

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA WESTERN DIVISION

ROY JACKSON and DEVIE)
MCLAUGHLIN,)
Plaintiffs,))
v.) Case No. 7:09-cv-02115-JEO
CITY OF CENTERVILLE, and)
JULIUS DALTON MURPHY)
IN HIS INDIVIDUAL CAPACITY,)
)
Defendants.)

MEMORANDUM OPINION

This case involves race discrimination claims under various Federal statutes. (Doc. #1). Defendants have filed motions to dismiss Plaintiffs' complaint. (Docs. #12, 14). On December 11, 2009, the magistrate judge assigned to this case entered a report and recommendation, finding that the City of Centerville's Motion to Dismiss (Doc. #12) is due to be denied and Julius Dalton Murphy's Motion to Dismiss (Doc. #14) is due to be granted only to the extent that the complaint uses the term "defendants" in Counts One and Four to include claims against Murphy in his individual capacity. (Doc. #20). No objections to the report and recommendation have been filed.

The court has considered the entire file in this action together with the magistrate judge's report and recommendation and has reached an independent conclusion that the magistrate judge's report and recommendation is due to be adopted and approved. Accordingly, the court hereby **ADOPTS** and **APPROVES** the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accordance with the recommendation, the City of Centerville's Motion to Dismiss (Doc. #12) is due to be denied and Julius Dalton Murphy's Motion to Dismiss

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(Doc. #14) is due to be granted only to the extent that the complaint asserts claims in Counts One and Four against Murphy in his individual capacity. An appropriate order will be entered.

DONE and **ORDERED** this _____ day of January, 2010.

R. DAVID PROCTOR

UNITED STATES DISTRICT JUDGE